

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 118

Short Title: Four-Year Term Implementing. (Public)

Sponsors: Senators Weinstein; Albertson, Bingham, Blake, Davis, Dorsett, Goss, Jacumin,  
Jones, Kinnaird, Purcell, Snow, and Tillman.

Referred to: Ways and Means.

February 11, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT AN ACT TO AMEND THE NORTH CAROLINA  
3 CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE  
4 GENERAL ASSEMBLY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 7A-140 reads as rewritten:

7 "§ 7A-140. Number; election; term; qualification; oath.

8 There shall be at least one district judge for each district. Each district judge shall be elected  
9 by the qualified voters of the district court district in which he or she is to serve at the time of  
10 ~~the election for members of the General Assembly specified by Chapter 163 of the General~~  
11 Statutes. The number of judges for each district shall be determined by the General Assembly.  
12 Each judge shall be a resident of the district for which elected, and shall serve a term of four  
13 years, beginning on the first day in January next after election.

14 Each district judge shall devote his or her full time to the duties of the office. He or she  
15 shall not practice law during the term, nor shall he or she during such term be the partner or  
16 associate of any person engaged in the practice of law.

17 Before entering upon his or her duties, each district judge, in addition to other oaths  
18 prescribed by law, shall take the oath of office prescribed for a judge of the General Court of  
19 Justice."

20 SECTION 2. G.S. 120-11.1 reads as rewritten:

21 "§ 120-11.1. Time of meeting.

22 The regular session of the Senate and House of Representatives shall be held biennially  
23 beginning at 12:00 noon on the third Wednesday after the second Monday in January ~~next after~~  
24 their election of each odd-numbered year."

25 SECTION 3. G.S. 147-4 reads as rewritten:

26 "§ 147-4. Executive officers – election; term; induction into office.

27 The executive department shall consist of a Governor, a Lieutenant Governor, a Secretary  
28 of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a  
29 Commissioner of Agriculture, a Commissioner of Insurance, and a Commissioner of Labor,  
30 who shall be elected for a term of four years, by the qualified electors of the State, ~~at the same~~  
31 time and places, and in the same manner, as members of the General Assembly are elected. as  
32 provided by Chapter 163 of the General Statutes. Their term of office shall commence on the  
33 first day of January next after their election and continue until their successors are elected and  
34 qualified. The persons having the highest number of votes, respectively, shall be declared duly  
35 elected, but if two or more be equal and highest in votes for the same office, then one of them  
36 shall be chosen by joint ballot of both houses of the General Assembly. Contested elections



1 shall be determined by a joint ballot of both houses of the General Assembly in such manner as  
2 shall be prescribed by law."

3 **SECTION 4.** G.S. 152-1 reads as rewritten:

4 "**§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

5 In each county a coroner shall be elected by the qualified voters thereof ~~in the same manner~~  
6 ~~and at the same time as the election of members of the General Assembly as provided by~~  
7 Chapter 163 of the General Statutes and shall hold office for a term of four years, or until his  
8 successor is elected and qualified.

9 A vacancy in the office of coroner shall be filled by the county commissioners, and the  
10 person so appointed shall, upon qualification, hold office until his successor is elected and  
11 qualified. If the coroner were elected as the nominee of a political party, then the county  
12 commissioners shall consult with the county executive committee of that political party before  
13 filling the vacancy, and shall appoint the person recommended by that committee if the party  
14 makes a recommendation within 30 days of the occurrence of the vacancy; this sentence shall  
15 apply only to the counties of Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe,  
16 Burke, Cabarrus, Caldwell, Cherokee, Clay, Cleveland, Davidson, Davie, Graham, Guilford,  
17 Haywood, Henderson, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover,  
18 Polk, Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake, and Yancey.

19 When the coroner shall be out of the county, or shall for any reason be unable to hold the  
20 necessary inquest as provided by law, or there is a vacancy existing in the office of coroner  
21 which has not been filled by the county commissioners and it is made to appear to the clerk of  
22 the superior court by satisfactory evidence that a deceased person whose body has been found  
23 within the county probably came to his death by the criminal act or default of some person, it is  
24 the duty of the clerk to appoint some suitable person to act as coroner in such special case."

25 **SECTION 5.** G.S. 161-1, now superseded by G.S. 161-2, is repealed.

26 **SECTION 6.** G.S. 162-1 reads as rewritten:

27 "**§ 162-1. Election and term of office.**

28 In each county a sheriff shall be elected by the qualified voters thereof, as is prescribed ~~for~~  
29 ~~members of the General Assembly by Chapter 163 of the General Statutes,~~ and shall hold his  
30 office for four years."

31 **SECTION 7.** G.S. 163-1 is amended in the table by rewriting the "DATE OF  
32 ELECTION" entries for State Senator and member of the State House of Representatives to  
33 read: "Tuesday next after the first Monday in November 2008 and every four years thereafter."

34 **SECTION 8.** G.S. 163-1 is further amended in the table by rewriting the "TERM  
35 OF OFFICE" entries for State Senator and member of the State House of Representatives to  
36 read: "Four years."

37 **SECTION 9.** G.S. 163-1 is further amended in the table by rewriting the "DATE  
38 OF ELECTION" entries for justices and judges of the Appellate Division, judges of the  
39 superior courts, judges of the district courts, district attorney, county commissioners, clerk of  
40 superior court, register of deeds, sheriff, and coroner to read: "At the next regular statewide  
41 election for members of the United States House of Representatives, immediately preceding the  
42 termination of each regular term."

43 **SECTION 10.** G.S. 163-8 reads as rewritten:

44 "**§ 163-8. Filling vacancies in State executive offices.**

45 If the office of Governor or Lieutenant Governor shall become vacant, the provisions of  
46 G.S. 147-11.1 shall apply. If the office of any of the following officers shall be vacated by  
47 death, resignation, or otherwise than by expiration of term, it shall be the duty of the Governor  
48 to appoint another to serve until his successor is elected and qualified: Secretary of State,  
49 Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of  
50 Agriculture, Commissioner of Labor, and Commissioner of Insurance. Each such vacancy shall  
51 be filled by election at the first statewide election for members of the ~~General Assembly~~ United

1 States House of Representatives that occurs more than 60 days after the vacancy has taken  
2 place, and the person chosen shall hold the office for the remainder of the unexpired four-year  
3 term: Provided, that when a vacancy occurs in any of the offices named in this section and the  
4 term expires on the first day of January succeeding ~~the next election for members of the~~  
5 General Assembly, the next statewide election for members of the United States House of  
6 Representatives, the Governor shall appoint to fill the vacancy for the unexpired term of the  
7 office.

8 Upon the occurrence of a vacancy in the office of any one of these officers for any of the  
9 causes stated in the preceding paragraph, the Governor may appoint an acting officer to  
10 perform the duties of that office until a person is appointed or elected pursuant to this section  
11 and Article III, Section 7 of the State Constitution, to fill the vacancy and is qualified."

12 **SECTION 11.** G.S. 163-9 reads as rewritten:

13 "**§ 163-9. Filling vacancies in State and district judicial offices.**

14 (a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of the  
15 Court of Appeals, and judge of the superior court for causes other than expiration of term shall  
16 be filled by appointment of the Governor. An appointee to the office of Justice of the Supreme  
17 Court or judge of the Court of Appeals shall hold office until January 1 next following the next  
18 statewide election for members of the ~~General Assembly~~ United States House of  
19 Representatives that is held more than 60 days after the vacancy occurs, at which time an  
20 election shall be held for an eight-year term and until a successor is elected and qualified.

21 (b) Except for judges specified in the next paragraph of this subsection, an appointee to  
22 the office of judge of superior court shall hold his place until the next statewide election for  
23 members of the ~~General Assembly~~ United States House of Representatives that is held more  
24 than 60 days after the vacancy occurs, at which time an election shall be held to fill the  
25 unexpired term of the office.

26 Appointees for judges of the superior court from any district:

27 (1) With only one resident judge; or

28 (2) In which no county is subject to section 5 of the Voting Rights Act of 1965,  
29 shall hold the office until the next statewide election of members of the  
30 ~~General Assembly~~ United States House of Representatives that is held more  
31 than 60 days after the vacancy occurs, at which time an election shall be held  
32 to fill an eight-year term.

33 (c) When the unexpired term of the office in which the vacancy has occurred expires on  
34 the first day of January succeeding the next statewide election for members of the ~~General~~  
35 ~~Assembly, United States House of Representatives~~, the Governor shall appoint to fill that  
36 vacancy for the unexpired term of the office.

37 (d) Vacancies in the office of district judge which occur before the expiration of a term  
38 shall not be filled by election. Vacancies in the office of district judge shall be filled in  
39 accordance with G.S. 7A-142."

40 **SECTION 12.** G.S. 163-10 reads as rewritten:

41 "**§ 163-10. Filling vacancy in office of district attorney.**

42 Any vacancy occurring in the office of district attorney for causes other than expiration of  
43 term shall be filled by appointment of the Governor. An appointee shall hold his place until the  
44 next statewide election for members of the ~~General Assembly~~ United States House of  
45 Representatives that is held more than 60 days after the vacancy occurs, at which time an  
46 election shall be held to fill the unexpired term of the office: Provided, that when the unexpired  
47 term of the office in which the vacancy has occurred expires on the first day of January  
48 succeeding the next statewide election for members of the ~~General Assembly, United States~~  
49 House of Representatives, the Governor shall appoint to fill that vacancy for the unexpired term  
50 of the office."

51 **SECTION 13.** G.S. 163-12 reads as rewritten:

1 **"§ 163-12. Filling vacancy in United States Senate.**

2 Whenever there shall be a vacancy in the office of United States Senator from this State,  
3 whether caused by death, resignation, or otherwise than by expiration of term, the Governor  
4 shall appoint to fill the vacancy until an election shall be held to fill the office. The Governor  
5 shall issue his writ for the election of a Senator to be held at the time of the first statewide  
6 election for members of the ~~General Assembly~~ United States House of Representatives that is  
7 held more than 60 days after the vacancy occurs. The person elected shall hold the office for  
8 the remainder of the unexpired term. The election shall take effect from the date of the  
9 canvassing of the returns."

10 **SECTION 14.** Each statute and each local act which states that a vacancy in an  
11 elected office shall be filled until the next election for members of the General Assembly, or  
12 similarly relies on the date of General Assembly elections as determining when an event is to  
13 take place or the duration of an appointment, shall be considered instead to use the date of the  
14 next statewide election of members of the United States House of Representatives as the  
15 determining date for whatever purpose the date of the General Assembly election is now used.

16 **SECTION 15.** Sections 1 through 14 of this act shall take effect only upon  
17 approval of the voters of the constitutional amendments set forth in AN ACT TO AMEND  
18 THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR  
19 MEMBERS OF THE GENERAL ASSEMBLY. If the constitutional amendments proposed in  
20 those sections are approved by the voters, Sections 1 through 14 of this act shall become  
21 effective at the same time as the constitutional amendments.

22 **SECTION 16.** This act is effective when it becomes law.